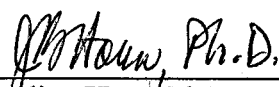


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3 **DECISION AND ORDER**
4 **OF THE**
5 **BOARD OF PSYCHOLOGY**

6
7 **DEPARTMENT OF CONSUMER AFFAIRS**

8
9 The attached Stipulated Surrender of License in case number W273, is hereby adopted as
10 the Decision and Order of the Board of Psychology, Department of Consumer Affairs. An
11 effective date of December 4, 2004 has been assigned to this Decision and
12 Order.

13
14 Made this 4th day of November, 2004.

15
16 
17 _____
18 Jacqueline Horn, Ph.D.
19 President, Board of Psychology
20 Department of Consumer Affairs
21
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25

1 BILL LOCKYER, Attorney General
of the State of California
2 JANE ZACK SIMON, State Bar No. 116564
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5544
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PSYCHOLOGY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **JEFFREY ARTHUR LeROUX, Ph.D.**
12 1145 Washington, #3
13 Albany, CA 94706

14 Psychology License No. PSY 14268

15 Respondent.

Case No. W273

OAH No. N2004060363

STIPULATED SURRENDER
OF LICENSE AND ORDER

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 1. Thomas S. O'Connor (Complainant) is the Executive Officer of the Board
20 of Psychology. He brought this action solely in his official capacity and is represented in this
21 matter by Bill Lockyer, Attorney General of the State of California, by Jane Zack Simon, Deputy
22 Attorney General.

23 2. Jeffrey Arthur LeRoux, Ph.D. (Respondent) is represented in this matter
24 by Robert F. Hahn of the Law Offices of Gould & Hahn, 5801 Christie Avenue, Suite 385,
25 Emeryville, CA 94608.

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1 3. On or about April 3, 1995, the Board of Psychology issued Psychology
2 License Number PSY 14268 to Jeffrey Arthur LeRoux, Ph.D. (Respondent). By interim order of
3 suspension, which issued on March 25, 2004, Respondent's license was suspended pending a
4 hearing on the charges set forth herein.

5 4. Accusation No. W273 was filed before the Board of Psychology (Board),
6 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
7 and all other statutorily required documents were properly served on Respondent. Respondent
8 timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. W273 is
9 attached as exhibit A and incorporated herein by reference.

10 5. Respondent has carefully read, discussed with counsel, and understands
11 the charges and allegations in Accusation No. W273. Respondent also has carefully read,
12 discussed with counsel and understands the effects of this Stipulated Surrender of License and
13 Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel, at his own expense; the right to confront and cross-examine the witnesses against him;
17 the right to present evidence and to testify on his own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 8. Respondent admits that if this matter proceeded to a hearing, complainant
24 could present evidence sufficient to impose discipline on his license. Respondent hereby gives
25 up his right to a hearing and agrees that his Psychology License is subject to discipline.

26 9. Respondent desires and agrees to surrender Psychology License No. PSY
27 14268 for the Board's formal acceptance, thereby giving up his right to practice psychology in the
28 State of California.

1 10. The admissions made by respondent herein are only for the purposes of
2 this proceeding, or any other proceedings in which the Board of Psychology or other professional
3 licensing agency is involved, and shall not be admissible in any other criminal or civil
4 proceeding.

5 11. This stipulation shall be subject to approval by the Board of Psychology.
6 Respondent understands and agrees that counsel for Complainant and staff of the Board of
7 Psychology may communicate directly with the Board regarding this stipulation and settlement,
8 without notice to or participation by Respondent or his counsel. By signing the stipulation,
9 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind
10 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
11 this stipulation as its Decision and Order, the Stipulated Surrender of License and Order shall be
12 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
13 between the parties, and the Board shall not be disqualified from further action by having
14 considered this matter.

15 12. The parties understand and agree that facsimile copies of this Stipulated
16 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
17 and effect as the originals.

18 13. In consideration of the foregoing admissions and stipulations, the parties
19 agree that the Board may, without further notice or formal proceeding, issue and enter the
20 following Order:

21 **ORDER**

22 IT IS HEREBY ORDERED that License No. PSY 14268, issued to Respondent
23 Jeffrey Arthur LeRoux, Ph.D. is surrendered to and accepted by the Board of Psychology.

24 14. Respondent shall lose all rights and privileges as a psychologist in
25 California as of the effective date of the Board's Decision and Order.

26 15. Respondent shall cause to be delivered to the Board both his wall and
27 wallet certificate, should he still possess them, on or before the effective date of the Decision and
28 Order.

1 16. Respondent fully understands and agrees that if he ever files an application
2 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
3 petition for reinstatement. Respondent shall not be eligible to file such a petition for a minimum
4 of three years from the effective date of the Board's Decision and Order and he must comply
5 with all the laws, regulations and procedures for reinstatement of a revoked license in effect at
6 the time the petition is filed. All of the charges and allegations contained in Accusation, No.
7 W273 will be deemed to be true, correct and admitted by Respondent when the Board determines
8 whether to grant or deny the petition, and Respondent waives any and all defenses based on a
9 claim of laches or the statute of limitations

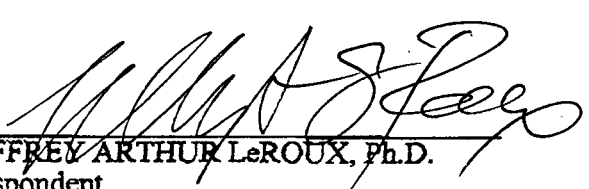
10 17. In the event that Respondent petitions for reinstatement of his license, he
11 understands and agrees that, in its sole discretion, the Board may require that Respondent take
12 and pass an oral competency examination and undergo a full medical and psychological
13 evaluation and that such examination and evaluations would be conditions precedent to
14 resumption of his practice as a psychologist.

15 18. Respondent shall pay the Board some of its costs of investigation and
16 enforcement in the amount of \$10,000.00 prior to issuance of a new or reinstated license.

17 ACCEPTANCE

18 I have carefully read the above Stipulated Surrender of License and Order, and
19 have discussed it with my counsel. I understand the stipulation and the effect it will have on my
20 license and that it will terminate my ability to practice psychology in the State of California. I
21 enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and
22 intelligently, and agree to be bound by the Decision and Order of the Board of Psychology.

23 DATED: 9/30/04

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25 
26 JEFFREY ARTHUR LeROUX, Ph.D.
 Respondent

27 ///

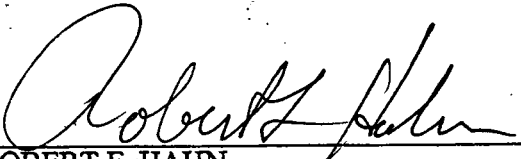
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APPROVAL

I have fully read and discussed with Respondent Jeffrey Arthur LeRoux, Ph.D. the provisions of this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 9/30/04



ROBERT F. HAHN
Law Offices of Gould & Hahn

Attorneys for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Psychology of the Department of Consumer Affairs.

DATED: 10/4/04

BILL LOCKYER, Attorney General
of the State of California



JANE ZACK SIMON
Deputy Attorney General

Attorneys for Complainant

Exhibit A

BILL LOCKYER, Attorney General
of the State of California
JANE ZACK SIMON
Deputy Attorney General [SBN 116564]
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102-3664
Telephone: (415) 703-5544
Facsimile: (415) 703-5480
Attorneys for Complainant

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 273

JEFFREY ARTHUR LeROUX, Ph.D.
1145 Washington, #3
Albany, CA 94706

ACCUSATION

License No. PSY 14268,

Respondent.

THOMAS S. O'CONNOR, complainant herein, charges and alleges as follows:

1. He is the Executive Officer of the Board of Psychology, State of California (hereinafter referred to as the "Board"), and makes these charges and allegations solely in his official capacity.

LICENSE HISTORY

2. On or about April 3, 1995, respondent Jeffrey Arthur LeRoux, Ph.D. (hereinafter referred to as "respondent"), was issued License No. PSY 14268 by the Board of Psychology, authorizing him to practice psychology in the State of California. The license is renewed to July 31, 2004. On March 25, 2004, an Interim Order of Suspension was issued pursuant to Government Code section 11159, and respondent is currently suspended from the practice of psychology.

STATUTES AND REGULATIONS

3. Section 2960 of the Business and Professions Code^{1/} states, in pertinent part, that the Board may suspend, revoke or impose probationary conditions on a licensee for unprofessional conduct, which is defined to include, but not be limited to, any of the following causes:

(i) Violating any rule of professional conduct promulgated by the Board and set forth in regulations duly adopted under this chapter;

(j) Being grossly negligent in the practice of his or her profession.

(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder;

(n) The commission of any dishonest, corrupt or fraudulent act;

(o) Any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct that is substantially related to the qualifications, functions or duties of a psychologist.

(p) Functioning outside of his or her particular field or fields of competence as established by his or her education, training or experience.

(r) Repeated acts of negligence.

4. Section 726 of the Code provides that the commission of any act of sexual abuse, misconduct, or relations with a patient, client or customer constitutes unprofessional conduct and grounds for disciplinary action.

5. Section 2904 provides that the practice of psychology shall not include prescribing drugs.

6. Section 2936 of the Code provides that the Board shall establish as its standards of ethical conduct relating to the practice of psychology, the code of ethics adopted and

1. All statutory references are to the Business and Professions Code unless otherwise indicated.

published by the American Psychological Association (the APA.) Those standards shall be applied by the Board as the accepted standard of care in all Board enforcement policies and disciplinary case evaluations.

a. Ethical Standard 4.05 of The Ethical Principles of Psychologist and Code of Conduct of the APA^{2/} provides that psychologists do not engage in sexual intimacies with current patients or clients. Ethical Standard 1.14 provides that psychologists must take reasonable steps to avoid harming their patients or clients and to minimize harm where it is foreseeable and unavoidable. Ethical Standard 1.23 requires psychologists to appropriately document their professional work in order to facilitate provision of services later by them or other professionals, to ensure accountability, and to meet other requirements of institutions or the law.

7. Section 125.3 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before any board within the Department of Consumer Affairs, the board may request the administrative law judge to direct a licensee found to have committed any violation of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8. Section 2964.6 provides that, "[a]n administrative disciplinary decision that imposes terms of probation may include, among other things, a requirement that the licensee who is being placed on probation pay the monetary costs associated with monitoring the probation."

9. Section 2960.1 provides that any proposed decision or decision that contains any finding of fact that the licensee or registrant engaged in any act of sexual contact, as defined in Section 728, when that act is with a patient, or with a former patient within two years following termination of therapy, shall contain an order of revocation. The revocation shall not

2. The 1992 APA Ethics Code was in effect during the period alleged this Accusation.

1 be stayed by the administrative law judge.

2 FACTUAL ALLEGATIONS

3 10. At the time of the acts alleged in this accusation, respondent maintained a
4 private psychology practice in Berkeley, California.

5 11. In 2002, patient A.G.^{3/} obtained several referrals from Alameda County
6 Mental Health Access for psychological treatment for Post Traumatic Stress Disorder and
7 childhood sexual abuse. A.G. interviewed a number of therapists, and saw a therapist for several
8 months before coming to respondent for treatment. Beginning on or about August 23, 2002,
9 A.G. began to see respondent for psychotherapy. Initially, she saw him once each week for one
10 hour. After several sessions, respondent recommended that A.G. see him twice a week. By
11 about October, the length of the sessions had increased to approximately 2-1/2 hours each.

12 12. During a therapy session in October, when A.G. was wearing open
13 sandals, respondent remarked that he liked her toes. He then grabbed her foot, put her toes in his
14 mouth and began sucking them. In a subsequent therapy session, respondent began to lie on the
15 floor, and he asked A.G. to lie down with him. He told A.G. that this would assist her in having
16 a "connection" with him as a therapist, so that she could have a "heart connection" and "connect
17 to the world." She told respondent that this made her uncomfortable. During one session A.G.
18 told respondent that she had never kissed a man. He responded by asking her to kiss him. She
19 replied no, but he proceeded to kiss her. On several occasions respondent requested that A.G. sit
20 on his lap. He had her lie on a small massage table, where he would do "energy work, " telling
21 A.G. that this process would release energy in tense parts of her body. During many sessions
22 A.G. discussed with respondent her sexual abuse as a child. Respondent disclosed to A.G.
23 details of his own sexual practices and preferences.

24 13. In or about early November 2002, A.G. went to respondent's office for a
25 therapy session. Respondent proceeded to do "energy work" which consisted of him rubbing his
26 hands over A.G.'s stomach, down to her genital area. She tried to remove respondent's hand, but

27 3. The patient is referred to by initial to protect privacy.

1 he assured her it was okay. A.G. told respondent she did not want to be sexual with him, and he
2 said he was not. Respondent touched A.G.'s vagina with his fingers. Respondent told A.G. that
3 he was physically attracted to her, was in love with her, and enjoyed touching her genitals. At
4 subsequent therapy sessions, respondent unbuttoned A.G.'s blouse, touched her breasts and put
5 his mouth on her breasts. He put his hands in her pants, and penetrated her vagina with his
6 fingers. Respondent asked A.G. to play with his penis, and he disrobed, and then took off A.G.'s
7 clothing. Respondent told A.G. that this was part of therapy, and they should imagine she was
8 three years old and he was five years old. Respondent instructed A.G. to touch his penis, and he
9 orally copulated her.

10 14. The sexual contact between respondent and A.G. continued over
11 numerous scheduled therapy sessions. At some time in December 2002, A.G. told respondent
12 she needed a referral to another therapist. She told respondent that she did not think he could
13 continue to be her therapist. Respondent stated that he could, and that he wanted to be her
14 therapist and lover. A.G. also asked for a referral to a psychiatrist for medication, because she
15 was feeling depressed. Respondent did not refer A.G. to a psychiatrist.

16 15. A.G. thereafter called respondent to tell him she did not want to continue
17 in therapy with him, and agreed to let him come to her house to discuss it. Respondent arrived at
18 A.G.'s home, and suggested they "get naked." He proceeded to orally copulate A.G. and to
19 masturbate himself to orgasm. From that point on, respondent came to A.G.'s home twice
20 weekly, and engaged in sexual activity with her.

21 16. On or about December 23, 2002, respondent was at A.G.'s home. He
22 told her he needed to pick up a prescription and they drove to the pharmacy. Respondent picked
23 up three prescriptions. He then gave A.G. a bottle of Prozac, and told her he had Ativan
24 available for her as well. Respondent told A.G. that he had obtained these prescriptions from his
25 own physician by telling his doctor he was depressed, anxious and couldn't sleep. The third
26 bottle had blue pills in it, and respondent kept that prescription for himself. He told A.G. the
27 prescription was for Viagra.

1 17. Respondent arrived at A.G.'s home on January 1, 2003, and requested
2 that she suck his penis. She refused. Respondent then asked if she would have sexual
3 intercourse with him, and stated that he had brought a "sex kit" consisting of condoms, lubricant
4 and soap. Again, A.G. refused.

5 18. On occasion respondent told A.G. that he fantasied about A.G., respondent
6 and respondent's wife all living together. On three occasions A.G. joined respondent and his
7 wife for dinner. Respondent explained to his wife that A.G. was a suicidal patient who could not
8 safely go home.

9 19. In early 2003 A.G. began to confront respondent about his conduct. Much
10 of this discussion occurred via e-mails. In those e-mails, respondent acknowledged that he
11 "deluded" himself into thinking theirs was a love relationship, and stated his love for A.G.

12 20. In May 2003, A.G. filed a complaint with the Board of Psychology.
13 During the course of the investigaiton, a "pretext call" between A.G. and respondent was
14 arranged on October 28, 2003. During the conversation, respondent admitted that he had
15 engaged in sexual activity, including oral copulation and kissing, with A.G. Respondent told
16 A.G. that he believed that the sexual relationship would benefit her.

17 21. During the course of the investigation, a request was made for respondent's
18 treatment records for A.G. Respondent thereafter provided a certification stating that he had no
19 records for A.G.

20 **FIRST CAUSES FOR DISCIPLINE**

21 (Unprofessional Conduct/Sexual Misconduct)

22 22. The allegations of paragraphs 10 through 21 are incorporated herein by
23 reference.

24 23. Respondent's conduct in engaging in sexual activity with his patient as
25 alleged constitutes unprofessional conduct pursuant to Business and Professions Code section
26 2960; and/or gross negligence under section 2960(j); and/or a violation of rules of professional
27 conduct pursuant to section 2960(i) ; and/or acts of sexual abuse, or sexual relations with a

1 patient pursuant to section 2960(o); and/or sexual abuse, misconduct or relations with a patient
2 pursuant to section 726, and/or a violation of ethical standards pursuant to section 2936, and is
3 therefore cause for discipline.

4 **SECOND CAUSES FOR DISCIPLINARY ACTION**

5 (Improper Distribution of Drugs)

6 24. The allegations of paragraphs 10 through 21 are incorporated herein by
7 reference.

8 25. Respondent's conduct in obtaining medication for himself under false
9 pretenses and then dispensing or providing medication to A.G. as alleged constitutes
10 unprofessional conduct pursuant to Business and Professions Code section 2960; and/or gross
11 negligence under section 2960(j); and/or negligence under section 2960(r); and/or functioning
12 outside the field of competence under section 2960(p); and/or a dishonest or corrupt act under
13 section 2960(n), and is therefore cause for discipline.

14 **THIRD CAUSES FOR DISCIPLINE**

15 (Failure to Maintain Records)

16 26. The allegations of paragraphs 10 through 21 are incorporated herein by
17 reference.

18 27. Respondent's conduct in failing to create and maintain a written record of
19 his treatment of patient A.G. as alleged constitutes unprofessional conduct pursuant to Business
20 and Professions Code section 2960; and/or gross negligence under section 2960(j); and/or
21 negligence under section 2960(r); and/or a violation of ethical standards under section 2960(k),
22 and is therefore cause for discipline.

23 **PRAYER**

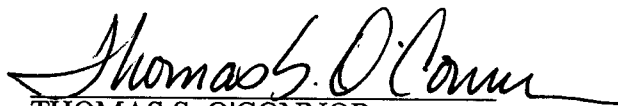
24 WHEREFORE, the complainant requests that the Psychology Board hold a hearing
25 on the matters alleged herein and that following said hearing, issue an order:

26 1. Suspending or revoking Psychology License No. PSY 14268 heretofore
27 issued to Jeffrey Arthur LeRoux, Ph.D.;

1 2. Ordering respondent to pay the Board the actual and reasonable costs of
2 the investigation and enforcement of this case; and, if respondent is placed on probation, the
3 costs of probation monitoring; and,

4 3. Taking such other and further action as the Board deems necessary and
5 proper.

6 DATED: March 30, 2004

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9 THOMAS S. O'CONNOR
10 Executive Officer
11 Board of Psychology

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Complainant

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation filed
Against:

Jeffrey Arthur LeRoux, Ph.D.

No.: W273

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Jeffrey Arthur LeRoux, Ph.D.
1145 Washington #3
Albany, CA 94706

7003 2260 0007 4804 9095

Jeffrey Arthur LeRoux, Ph.D.
6010 Arlington Boulevard
Richmond, CA 94805-1208

7003 2260 0007 4804 9101

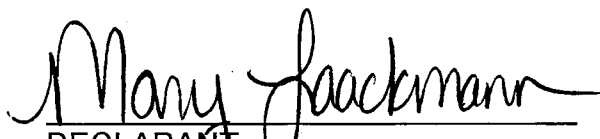
Robert F. Hahn
Law Offices of Gould & Hahn
5801 Christie Avenue, Suite 385
Emeryville, CA 94608

Jane Zack Simon
Deputy Attorney General
Office of the Attorney General
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102-7004

Each said envelope was then on, November 4, 2004, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, November 4, 2004, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.



DECLARANT
Mary Laackmann
Enforcement Analyst